THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9319 OF 1997

DATED: 24-01-2007

Between:

T. Hanumanthu @ Narayana

.. Petitioner

and

The Government of Andhra Pradesh, Legislature (OP-2) Department represented by Deputy Secretary to State Legislature.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9319 OF 1997

ORDER:

This writ petition is filed seeking a mandamus declaring the order of suspension passed by the respondent in his Office Order bearing Rt.No.2/OP-2/93 dated 02-01-1993, as arbitrary, illegal and contrary to Articles 14, 16 and 21 of the Constitution of India and also in violation of C.C.A. Rules, 1991, in view of the Judgment passed by in S.C.No.15 of 1995 dated 27-09-1996 on the file of the learned Additional Sessions Judge, R.R.District.

It appears, the petitioner joined the service of the respondent-Legislature Department of Andhra Pradesh as a Watchman in the year 1984. While so, he was suspended from service under Rule 8 (1) (c) of Andhra Pradesh Civil Services (C.C.A.) Rules 1991, with effect from 19-12-1992, pending investigation into a criminal charge in Crime No.661 of 1992 dated 16-12-1992, on the file of the Inspector of Police, Saroornagar P.S., R.R.District. He was paid 50% salary towards subsistence allowance i.e. Rs.8,00/- and the same was enhanced to Rs.1,000/- from January 1996. The Criminal Case in Crime No.661 of 1992 was originally taken into cognizance by the Additional Judicial First Class Magistrate, Hyderabad East and North, R.R.District and the same was made over to Additional Sessions Judge's Court, R.R. District and re-numbered as S.C.No.15 of 1995. The petitioner was acquitted by the learned Additional Sessions Judge, R.R.District on 25-09-

1996 under Section 235 (1) Cr.P.C.

It appears, the petitioner made several representations along with Judgment of the Criminal Court and sought for reinstatement into service. According to the petitioner, all his efforts made went in vain and, therefore, this writ petition is filed.

There is no necessity of going into all the details. In the counter filed by the Deputy Secretary, Andhra Pradesh Legislature, Hyderabad, it is stated that basing on the Judgment of the learned Additional Sessions Judge, R.R. District and on the report of the Superintendent of Police, R.R. District, the order of suspension of the petitioner was revoked and he was reinstated into service of the Legislature Secretariat with effect from 21-08-1997 vide Office Order bearing Rt.No.475/OP.II/97 dated 21-08-1997. Therefore, as of now, the cause in the writ petition does not survive and the petition has become infructuous. However, this will not preclude the petitioner from working out any other benefits for which he is entitled as per law.

With the above observation, the writ petition is dismissed as infructuous.

C.V. RAMULU, J

24th January 2007.
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